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Via ECF

March 5, 2019

The Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Balderas v. 8 Chelsea Corp. d/b/a Riko Peruvian Cuisine, et al.*
Case No. 18-CV-11149 (VEC)

Dear Judge Caproni:

We are counsel for Plaintiff in the above-referenced matter. We submit this letter in response to Defendants' motion to compel arbitration that was filed yesterday on March 4, 2019, and respectfully request that the briefing for the motion be stayed until after the parties' have engaged in the court-ordered mediation currently scheduled for March 26, 2019.

Since the commencement of this action on November 29, 2018, the parties have been in discussions regarding the purported arbitration agreement between Plaintiff and Defendants. However, the parties were unable to agree on the enforceability of the arbitration agreement particularly due to its "arbitration fees and costs" provision for which the parties had differing interpretations.

We have also attempted to engage in settlement discussions with Defendants for early resolution of Plaintiff's claims. On December 20, 2018, Plaintiff sent Defendants his calculation of damages and made a settlement demand based on such calculation. To this date, however, Defendants have not made any settlement offer. On February 8, 2019, the Court referred this matter to the S.D.N.Y. mediation program, and the mediation session is currently scheduled for March 26, 2019.

Based on the foregoing, Plaintiff respectfully requests a stay of briefing for Defendants' motion to compel arbitration until a date after the scheduled mediation. Plaintiff seeks the stay so that he can limit litigation expense and focus their resources on the upcoming mediation. Within one week of the mediation, the parties will submit a joint letter informing the Court whether they were able to reach a settlement of the matter. In the event the parties do not settle at mediation, the parties will propose a briefing schedule as to Defendants' pending motion.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF